

3 September 2002

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
455 12th Street, SW
Room TW-A325
Washington, DC 20554

Re: Ex parte communication on Section 68.4(a) of the Commission's Rules Governing
Hearing Aid-Compatible Telephones Notice of Proposed Rule Making, WT Docket No.
01-309, RM-8658

Dear Mr. Caton:

I am writing on behalf of Self Help for Hard of Hearing People(SHHH), the largest consumer organization of people who are hard of hearing in the U.S., in response to an ex parte communication submitted by AUDEX, Inc. of Longview, Texas, on July 25, 2002.

AUDEX has worked for years to bring hearing assistive technology to people with hearing loss, especially in the area of assistive listening devices used in large areas such as meeting rooms and theaters. SHHH, its members and all people who are hard of hearing have benefited from the leadership role that AUDEX has played in developing products that can enhance hearing in difficult listening situations and particularly from its generous technical support that enables SHHHH to hold the most communicatively accessible annual convention in the country.

SHHH was therefore surprised that AUDEX took the position that the Hearing Aid Compatibility (HAC) Act exemption should not be lifted and that the FCC should not require that all handsets be hearing aid compatible. The basis given is that lifting the exemption would cause financial hardship to carriers and handset manufacturers without bringing about substantial change, and that the adaptive hearing interfaces developed by companies such as AUDEX are a more cost-effective strategy for enabling access.

SHHH disagrees with AUDEX's argument. Digital handset models are available today that are hearing aid compatible. Without the manufacturers providing an indication that some phones were likely to be hearing aid compatible, consumers discovered on their

own that certain phones did work with their hearing aids. These phones were marketed to the public at competitive prices. Compatible Samsung models, such as the SCH-6100 and the SCH-3500, have been offered at discounted prices of \$100 or less by Sprint PCS.

As with legislation that required televisions with displays 13" or larger to have closed captioning capability, products do not become universally accessible until there is a federal mandate to make the products accessible. SHHH members have been told by handset manufacturers that if service providers required hearing-aid compatible phones, the engineers for the manufacturers would find a way of developing them. Mandating all handset phones to be hearing aid compatible will compel engineers of phones for the U.S. market to design the necessary requirements for accessibility into phones from the beginning of the design stage.

SHHH was a member of the HEAR-IT NOW Coalition that petitioned the FCC to revoke the exemption from the HAC Act for wireless telephones filed on June 5, 1995. SHHH was subsequently a member of the Wireless Action Coalition (WAC) that requested the FCC to reopen the proceeding on digital wireless phones and hearing aid interference October 2000. We still believe the only way to achieve access to digital wireless phones for hearing aid and cochlear implant users is to lift the exemption.

Progress has been made since the Hearing Aid Compatibility and Access to Digital Wireless Telecommunications Summit Meeting in January 1996. Both hearing aid manufacturers and wireless handset manufacturers have introduced modifications that alleviate the interference to varying degrees. However, many of the solutions are what SHHH and many consumers view as interim. The main rationale for our objection to accessories is the added cost to the consumer to access a digital handset, and the disadvantages associated with the accessories available today. They are adaptations and attachments that do not work with all phones, cost extra, add significant weight and bulk to the phone and many are impractical for receiving an incoming call unless the user constantly wears the attachment. In addition, they are sometimes poorly designed and inaccessible to people with secondary disabilities. For example, the batteries of one particular external accessory are extremely difficult to replace, and people with visual impairments or manual dexterity problems are unlikely to be able to use that accessory. The manufacturers of these accessories do not appear to be covered by the provisions of Section 255 of the Telecommunications Act of 1996, leaving the unlucky purchasers of these accessories without access to their phones.

AUDEX believes these supplementary technologies (such as the CHAAMP device developed by AUDEX) should be the solution to access for people with hearing loss and the FCC should require carriers and re-sellers of mobile-communication devices to maintain adequate supplies of these devices. AUDEX states the devices are cost effective and do not prove to be a burden on the user. They use as an example their CHAAMP device. Feedback we have received from consumers is that CHAAMP is restricted to use with only Nokia handsets and only some of the Nokia models, adds significant bulk and weight to the phone, cannot clip onto a belt, has to be used with the LCD display of the phone pointing away from the user, does not reliably reduce the interference, and does

not currently work with phones that have web access. Contrary to what Audex claims, supplementary technologies such as these very much do impose a significant burden upon consumers with hearing loss.

As a company selling a new adjunct adaptation to phones that are not presently hearing aid compatible, Audex has a stake in digital phones remaining inaccessible. If digital handsets became hearing aid compatible, hard of hearing people would no longer need the CHAAMP device for basic hearing aid compatibility, and the demand for the CHAAMP device would drop accordingly. Presumably the same technology that supposedly makes the CHAAMP eliminate interference could itself be incorporated directly and efficiently in cell phones.

AUDEX further claims that there needs to be more improvements made by hearing aid manufacturers in immunity levels. We agree there is still more to do, but since the 1996 Summit, hearing aid manufacturers have made great strides and consumers purchasing hearing aids today can expect higher immunity levels with increased resistance to interference. Since people with hearing loss are the principle customer base of hearing aid manufacturers, the motivation to make their products as attractive as possible to the largest number of consumers is clearly more immediate than for handset manufacturers, who tend to have little or no interest in people with disabilities as a market. SHHH would like to see the hearing aid manufacturers continue to work to meet existing standards in Europe and Australia. As we stated in our Reply Comments to the NPRM in the matter of Section 68.4(a) WT Docket No. 01-309 RM 8658 SHHH agrees that the solution to the problem needs to be allocated to both hearing aid and handset manufacturers. However, only part of the interference problem can be solved in the hearing aid. The rest must be addressed in the digital wireless handset. Thus, in the United States, the Commission should require digital wireless handsets to be manufactured to be compatible with hearing aids that have standard levels of noise immunity. Until the HAC exemption is lifted, a consumer with a hearing aid with good noise immunity will still be unable to use a digital wireless telephone that has not been designed to be hearing-aid compatible.

AUDEX suggests that FCC, CTIA and TIA create a voluntary fund to supply the supplementary hearing assistance technologies to consumers. Our major concern about creating such a fund is the probability that the industry would do little more to find solutions for making digital phones hearing-aid compatible, which is absolutely unacceptable. Additionally, add-ons and accessories are not acceptable as the only way to obtain access to digital phones. They may provide certain benefits, such as hands-free use of the phone or access to other features, but they can be much more susceptible to damage, require batteries, make the phone unwearable, or introduce other disadvantages. Requiring hard of hearing people to use adjunct technologies to obtain access to phones creates an unequal and all too often inferior playing field for people with hearing loss.

It is technologically feasible to manufacture and market digital handsets that do not cause interference to hearing aids, without the need to use supplementary external devices, because it is being done today. Several Samsung and LG digital phones are on the market and are offered by Verizon Wireless and Sprint PCS at prices within the range of

equipment models from other manufacturers. It can be done, it is being done but more manufacturers need to do it. SHHH believes the only way to make that happen is to revoke the exemption.

“Special products for special people” goes against the intent of Congress for telephones to be designed that virtually all people can use. We call upon the FCC to require the industry to move forward in making all phones hearing aid compatible.

Sincerely,

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